

CALIFORNIA COASTAL COMMISSION

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W12d

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APPEAL STAFF REPORT

SUBSTANTIAL ISSUE DETERMINATION

Appeal number.....**A-3-SLO-03-074, Cambria Cross Town Trail**

Applicants.....Cambria Community Services District

AppellantLynda Laylon; Norman B. Flemming, Cambrians for Fiscal Responsibility; Werner Koch, Cambrians for Fiscal Responsibility; Simon Wilder; Cambria Defense League, Citizens for Fiscal Responsibility, et al; Cambria Legal Defense Fund; Lila Evans

Local governmentSan Luis Obispo County

Local decision.....Approved with conditions (June 17, 2003)

Project location.....From Shamel Park to Burton Drive, Cambria, San Luis Obispo County.

Project description.....Construct segments 1, 2, and 5 of the Cambria Cross Town Trail. Project includes approximately 1.75 miles of decomposed granite bicycle/pedestrian trail (width varies from 6 feet to 8 feet), extension of existing culverts, and construction of a bridge crossing of Santa Rosa Creek. Segment 1 is located on Windsor Blvd. between Shamel Park and Highway One. Segment 2 is located within Highway One right-of-way and adjacent to Santa Rosa Creek between Windsor Blvd. and Cambria Drive. Segment 5 is located from Cambria Drive to Burton Drive and includes a pedestrian/bicycle bridge crossing of Santa Rosa Creek at Bluebird Lane.

File documents.....San Luis Obispo County Certified Local Coastal Program; San Luis Obispo County Local Permit D020081P.

Staff recommendation**No Substantial Issue**

Summary of staff recommendation: San Luis Obispo County approved a Coastal development permit for the construction of segments 1, 2, and 5 of the Cambria Cross Town Trail, which includes approximately 1.75 miles of decomposed granite bicycle/pedestrian trails (width varies from 6 feet to 8 feet), extension of existing culverts, and construction of a bridge crossing over Santa Rosa Creek. In general, the Appellant's claim that the County-approved project is inconsistent with the County's certified Local Coastal Program (LCP) regarding the protection of environmentally sensitive habitat areas (ESHA), coastal watersheds, hazards, and visual and scenic resources. The standard of review is the San Luis



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Staff: J. Bishop Approved by:

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Obispo County certified Local Coastal Program. The issues raised by the appellant's do not raise a substantial issue regarding the project's conformance to the LCP.

The LCP requires the protection of the natural hydrological and ecological functions of coastal streams, and new development must be compatible with the continuance of such habitats. In this case, alteration of the creek channel is not substantial and the project will not significantly disrupt ESHA. The approved is designed to minimize disturbance and associated hardscape within the creek corridor and includes a restoration plan to mitigate for the trimming of riparian vegetation associated with project construction. Thus, the riparian corridor is adequately protected as directed by the LCP.

The LCP similarly protects coastal watersheds, including the water quality of Santa Rosa Creek. The project is located on the upper banks of the creek and some drainage into Santa Rosa Creek is likely to occur. Santa Rosa Creek provides habitat for such State and Federally listed species such as steelhead, tidewater goby, and red-legged frog. As proposed by the applicant and conditioned by the County, the project avoids construction during the rainy season, and includes drainage and erosion control measures to prevent sedimentation and protect coastal water quality. Thus, a substantial issue does not exist with respect to coastal watersheds.

The LCP also requires that new development be sited and designed to ensure structural stability while not creating or contributing to creek bank erosion (Hazards Policies 1,2, and 3). The approved project requires the placement of abutments on both sides of the creek to support the proposed bridge crossing. In this case, the support structures have been setback from the top of the bank, limiting the need to alter the creek. The County-approved project has been conditioned with erosion and sedimentation control measures to avoid heightened bank erosion and maintain bank stability. The County Public Works Department has reviewed the project plans and did not note any drainage or hazard concerns. Thus, the appeal contentions related to coastal hazard areas do not raise a substantial issue.

Finally, the LCP protects the Highway One viewshed and the "Special Community" character of Main Street in Cambria. The cross-town pedestrian/bicycle trail is proposed to follow the banks of Santa Rosa creek and is the gateway into Cambria along Highway One. The site is important with respect to the character of the overall Highway One viewshed. The proposed structures (an at grade path and bridge) would not block views of the coast and would not significantly disrupt Cambria's Special Community commercial center. In fact, public access to and from the Main Street will be enhanced. The very limited amount of vegetation removal will not significantly disrupt the Highway One viewshed, nor will it change the character of the community. Consistent with the LCP, the proposed development would be protective of Cambria's character and the Highway One viewshed. The appeal contentions related to visual and scenic resources do not raise a substantial issue.

While not addressed in the contentions of appeal, it is important to note that the project is a high priority use under the LCP because it promotes public access, coastal recreation, and visitor-serving uses. The proposed project provides for the implementation of portions of the Cambria Cross Town trail, linking popular visitor serving destinations with the coastline. While a number of issues are raised by the appeal, the overall benefits to public access and recreation far outweigh the insignificant impacts to coastal resources posed by project implementation. Thus, Staff recommends that the Commission find that no



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substantial issue exists with respect to this project's conformance with the certified LCP.

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1. Local Government Action

On June 17, 2003, the San Luis Obispo County Board of Supervisors approved the proposed project subject to multiple conditions (see exhibit C for the County's findings and conditions on the project). Notice of the Board of Supervisors action on the coastal development permit (CDP) was received in the Commission's Central Coast District Office on July 7, 2003. The Commission's ten-working day appeal period for this action began on July 8, 2003 and concluded at 5pm on July 21, 2003. Several valid appeals (see below) were received during the appeal period.

2. Appeal Procedures

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of



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the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is within 100 feet of Santa Rosa Creek, and is located in a sensitive coastal resource area.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. Portions of this project is located between the nearest through public road (Highway One) and the sea and thus, this additional finding would need to be made in a de novo review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

3. Appellant's Contentions

The Appellants generally contend that the proposed project would negatively impact the special community along Main Street, the habitat of Santa Rosa Creek, marine water quality, and coastal hazards. Please see Exhibit D for the complete appeal documents.

Please note that many of the Appellant's appeal contentions allege inconsistencies with a large number of County objectives, policies, and programs. Many of the references cited in the appeal are CEQA, and General Plan policies and not specific LCP policies. In addition, a large number of others are not specifically applicable to the project at hand (for example, the project is in conflict with the State Coastal Conservancy MOU to cover East-West Ranch land acquisition). As such, not all references in the appeal documents are analyzed or contained in the “applicable policies” sections of this staff report. The policies cited herein have been cited using the broadest possible construction of the appeal contentions so as to be as policy-inclusive as possible while not overly burdening the analysis with unnecessary detail. The complete San Luis Obispo County LCP is available for review at the Commission's Central Coast District office and is a substantive file document for these findings. In any case, specific LCP contentions cited in the appeal documents are addressed in full in these findings.

4. Staff Recommendation on Substantial Issue



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The staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action.

Motion. *I move that the Commission determine that Appeal Number A-3-SLO-03-074 raises **no** substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.*

Staff Recommendation of No Substantial Issue. *Staff recommends a **yes** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.*

Resolution To Find No Substantial Issue. *The Commission hereby finds that Appeal Number A-3-SLO-03-074 does not present a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program.*

Recommended Findings and Declarations

The Commission finds and declares as follows:

5. Project Description

A. Project Location

The proposed project is located in the community of Cambria, within the North Coast Area of San Luis Obispo County. The construction of segments 1, 2, and 5 of the Cambria Cross Town Trail, which will be a total of 5 segments when completed, extends from Shamel Park located on the coastal bluffs to Burton drive on the east side of town. The project includes approximately 1.75 miles of decomposed granite bicycle/pedestrian trail (width varies from 6 feet to 8 feet) linking the east and west sides of town. Segment 1 is located on Windsor Blvd. between Shamel Park and Highway One. Segment 2 is located within Highway One right-of-way and adjacent to Santa Rosa Creek between Windsor Blvd. and Cambria Drive. Segment 5 is located from Cambria Drive to Burton Drive and includes a pedestrian/bicycle bridge crossing of Santa Rosa Creek at Bluebird Lane.

B. County Approved Project

The proposed project has been in varying stages of review at the County level since the mid-1990's.



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Originally, the Cambria Community Services District (CCSD) began developing preliminary plans for the “Santa Rosa Creek Trail”, a multi-use Class I bicycle/pedestrian path that would follow Santa Rosa Creek through the entire community, connecting East and West villages. The proposed trail alignment followed the south side of Santa Rosa Creek. A portion of the trail (between Cambria Drive and Rodeo Grounds Road) was to be located on an easement offered by the East-West Ranch Corporation. However, after the easement offer was withdrawn in 1998, the CCSD worked with the community to redesign the project. The revised project was renamed the “Cross Town Trail” and is the subject of this permit.

In any case, the County approval that is the subject of this appeal includes the following:

- Construction of the Cross town Trail segments 1, 2, and 5 (see Exhibits A and B).
- Extending the length of 6 existing culverts. The amount of drainage flow path will remain the same for all culvert extensions. Construction will take place from above the existing culverts and away from the creek flow line.
- Construction of one new stormwater inlet, which will connect with an existing culvert.
- Installation of a new pedestrian and bicycle bridge at Bluebird Land (140 feet in length by 8 feet wide) at Santa Rosa Creek. The prefabricated bridge is composed of galvanized metal decking with safety rails 42 inches above the deck with 4 inch maximum opening. The abutment proposed on the north side of the bridge is set back approximately 35 feet from the top of bank. The abutment will be comprised of piles approximately 20 feet deep. The bridge abutment of the south side will be setback approximately 20 feet from the top of the bank and will consist of concrete retaining wall approximately 4 feet deep from existing ground surface. The bridge will be placed, via crane, on top of the abutments completely out of the creek channel and flowing water. (See Exhibit B for site plans and photo of a typical span bridge to be installed).
- Approximately 1500 square feet of riparian vegetation removal and a revegetation plan identifying a replacement ratio of 3:1 located along the south bank of Santa Rosa Creek.
- Staging areas are identified near the Water Treatment Facility and the Waste Water Treatment Plant. These areas are already disturbed.

See exhibit B for County-approved site plans. See exhibit C for the County findings, and conditions approving the Applicant’s proposed project.

6. Substantial Issue Findings

The Appellant’s contentions fall generally into 4 issue areas: habitat protection, community and visual



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character, hazards, and coastal watersheds.¹ Each of these is discussed in detail in the findings that follow. As summarized below, although these contentions raise LCP issues, these issues do not rise to the level of substantial issues with respect to the project's conformance with the San Luis Obispo County LCP.

A. Environmentally Sensitive Habitat Areas

1. Applicable Policies

Coastal streams and adjacent riparian areas are environmentally sensitive habitats. In general, these LCP provisions are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats

New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed in the area [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]

Policy 2: Permit Requirement

As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

Policy 3: Habitat Restoration

The county or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible. Detailed wetlands restoration criteria are discussed in Policy 11. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170 OF THE CZLUO.]

Policy 23: Streambed Alteration

Channelizations, dams or other substantial alterations of rivers and streams shall be limited to: a) necessary water supply projects, b) flood control projects when there are no other feasible methods for protecting existing structures in the flood plain and where such protection is necessary for public safety or to protect existing development, and c) development where the purpose is to improve fish and wildlife habitat. All projects must employ the best feasible mitigation measures. Maintenance and flood control facilities shall require a coastal development permit. [THIS

¹ See exhibit D for the Appellant's complete appeal documents.



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POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.174 OF THE CZLUO.]

Policy 24: Riparian Vegetation

Cutting or alteration of naturally occurring vegetation that protects riparian habitat is not permitted except for permitted streambed alterations (defined in Policy 23) and where no feasible alternative exists or an issue of public safety exists. This policy does not apply to agricultural use of land where expanding vegetation is encroaching on established agricultural uses. Minor incidental public works projects may also be permitted where no feasible alternative exists including but not limited to utility lines, pipelines, driveways, and roads. Riparian vegetation shall not be removed to increase agricultural acreage unless it is demonstrated that no impairment of the functional capacity of the habitat will occur. Where permitted, such sections must not cause significant stream bank erosion, have a detrimental effect on water quality or quantity, or impair the wildlife habitat values of the area. This must be in accordance with the necessary permits required by Sections 1601 and 1603 of the California Fish and Game Code. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

Policy 29: Design of Trails In and Adjoining Sensitive Habitats

San Luis Obispo County, or the appropriate public agency, shall ensure that the design of trails in and adjoining sensitive habitat areas shall minimize adverse impact on these areas. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

2. County-Approved Project

The County-approved project is located adjacent to and over (bridge crossing) Santa Rosa Creek, an ecologically sensitive coastal stream. Santa Rosa Creek is known to support rare and important species such as Steelhead, Tidewater Goby, Southwestern pond turtle, and California Red Legged Frog. The County determined that the project would not adversely impact the habitat of Santa Rosa Creek. The removal of approximately 1500 square feet of willows was found to have a negligible impact on stream and riparian habitat. Nevertheless, the County required that the 1500 square feet of willows to be removed be mitigated at a 3:1 ratio along the south bank of Santa Rosa Creek where riparian vegetation is thin. The County conditioned the project to include a mitigation and monitoring plan to avoid impacts to endangered species, submit an erosion and sedimentation control plan to reduce all construction related impacts to a less than significant level, and restoration of all disturbed areas to their original or natural condition through grading and revegetation.

See County Final Local Action Notice in exhibit C.

3. Consistency with Applicable LCP Policies

As detailed previously, Santa Rosa Creek supports rare and important species such as Tidewater Goby, Southwestern pond turtle, and California Red Legged Frog. Santa Rosa Creek is also known to support steelhead trout. The California Department of Fish and Game lists this creek as important steelhead



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habitat. Santa Rosa Creek forms a seasonal lagoon/wetland area in the late spring season. The LCP defines coastal streams and riparian areas as ESHA (LCP Policy 18).

The proposed project includes segments 1, 2, and 5 of the Cambria Cross Town Trail. Segments 1, 2, and 5 are located adjacent to Santa Rosa Creek. Segment 5 also includes a pedestrian/bicycle bridge crossing Santa Rosa Creek. Consistent with the LCP, the trail is a permitted use within the LCP wetlands and riparian setback buffer (CZLUO Section 23.07.172(d)(1)). While limited vegetation clearing and trimming would occur (approximately 1500 square feet) much of the riparian willow canopy would be retained and preserved. Consistent with ESHA Policies 2 and 3, the County has required adequate mitigation in the form of biological monitoring and a willow restoration plan². As such, the alteration of the stream bank is not considered substantial. In addition, some amount of increased noise, and activities would be associated with pathway (i.e., since the new path would accommodate bike riders and pedestrians), however such increases would be minimal.

Consistent with ESHA Policy 29, the trail design minimizes impacts to sensitive habitat areas. In particular, the bridge design limits impacts to the creek to the greatest degree possible. The abutments are setback 20-35 feet from the top of the bank and the bridge itself will be placed, via crane, on the top of the abutments, avoiding the need to place heavy equipment in the creek channel. (See Exhibit D for bridge detail) The project has been sensitively designed to avoid introducing additional sedimentation and/or urban pollutants into Santa Rosa Creek. This will be accomplished through replanting any disturbed areas (for continued filtering), extending existing culverts, and setting the pathway back from the top of bank. Together, these design elements minimize impacts to the top of bank. The County also conditioned the project to submit an erosion and sedimentation (see Exhibit C for the County conditions).

Alternative alignments for the path have been considered. As described in the County staff report, the original design of Segment 2 (Along the north bank of Santa Rosa Creek, between Windsor Blvd. and Cambria Drive) has been changed to avoid sensitive habitat areas associated with the stream bank and relocate the path away from areas prone to erosion. Both the original and final designs include a crossing of Santa Rosa Creek via a pedestrian/bicycle bridge. In this case, the redesigned path appears to be more protective of the resource.

4. Environmentally Sensitive Habitat Area Conclusion

The Appellant raises important questions associated with the proposed development. However, the County-approved project should not significantly disrupt ESHA, and will protect the biological continuance of the Santa Rosa Creek riparian corridor. The appeal contentions do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP's ESHA policies cited in this finding.

B. Coastal Watersheds

² Prepared by Habitat Restoration International, dated March 28, 2003



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1. Applicable Policies

The project is located in the Santa Rosa Creek watershed. The following policies apply:

Policy 7: Siting of New Development

Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent except:

Existing lots of record in the Residential Single-Family category and where a residence cannot be feasibly sited on a slope less than 20 percent;

When grading of an access road or driveway is necessary to provide access to an area of less than 20 percent slope where development is intended to occur, and where there is not less environmentally damaging alternative;

The county may approve grading and siting of development on slopes between 20 percent and 30 percent through Minor Use Permit, or Development Plan approval, if otherwise required by the CZLUO...Grading and erosion control plans shall be prepared by a registered civil engineer and accompany any request to allow grading on slopes between 20 percent and 30 percent. It shall also be demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.

In all cases, siting of development and grading shall not occur within 100 feet of any environmentally sensitive habitat. In urban areas as defined by the USL, grading may encroach within the 100 foot setback when locating or siting principally permitted development, if application of the 100 foot setback renders the parcel physically unusable for the principally permitted use. Secondly, the 100 foot setback shall only be reduced to a point at which the principally permitted use, as modified as much as practical from a design standpoint, can be accomplished to no point less than the setback allowed by the planning area standard or 50 feet whichever is the greater distance. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO CZLUO SECTIONS: 23.05.034 (GRADING) AND 23.04.021 (LAND DIVISIONS).]

Policy 10: Drainage Provisions

Site design shall ensure THAT drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable water courses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTIONS 23.05.036 OF THE CZLUO.]

2. County-Approved Project

The County-approved project is located adjacent to and over (bridge crossing) Santa Rosa Creek, an ecologically sensitive coastal stream. The County conditioned the project to include erosion and sedimentation control plan to reduce all construction related impacts to a less than significant level, and



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restoration of all disturbed areas to their original or natural condition through grading and revegetation.

See County Final Local Action Notice in exhibit C.

3. Consistency with Applicable LCP Policies

Policies 7 and 10 of the LCP speak to protecting coastal watersheds by limiting grading on steep slopes, and considering site drainage in the site design and assuring sedimentation and erosion control during and after construction. The proposed project has been sited away from Santa Rosa Creek to the greatest extent practicable. Construction will avoid the rainy season which will reduce the potential for runoff, sedimentation, and erosion into the creek habitat. Drainage and erosion control have been considered in the design through construction techniques (e.g. using driven piles for abutments rather than substantial stream bank alteration). In fact, the least environmentally damaging routing scheme for the new pathway has been included in the revised project description, which will avoid areas prone to erosion and sedimentation. The County conditions of approval include appropriate sedimentation and erosion control measures. For example, all disturbed areas will be revegetated with native riparian plant species to improve filtration and erosion control.

4. Coastal Watershed Conclusion

The Appellant raises important questions associated with the proposed development. However, the County-approved project should not significantly disrupt coastal watersheds and the quality of water in Santa Rosa Creek. The Commission finds that drainage as a result of this project will not cause erosion. With the County imposed conditions of approval, the appeal contentions do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP's coastal Watershed policies cited in this finding.

C. Hazards

1. Applicable Policies

The following policies and standards are intended to guide the kinds, locations, and intensities of development in hazardous areas of the coastal zone.

Hazards Policy 1: New Development.

All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development (with the exception of coastal-dependent uses or public recreation facilities) shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. Construction of permanent structures on the beach shall be prohibited except for facilities necessary for public health and safety such as lifeguard towers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]



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Hazards Policy 2: Erosion and Geologic Stability.

New development shall ensure structural stability while not creating or contributing to erosion or geological instability. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.086.]

Hazards Policy 3: Development Review in Hazard Areas.

The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the LUE maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan. Residential, commercial, and industrial development shall be prohibited within the 100 year floodplain (1% chance of inundation in any year) as delineated in the Flood Hazard combining designation except for those areas within an urban reserve line. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.082, 23.07.084, 23.07.062 AND 23.07.066 OF THE CZLUO.]

2. County-Approved Project

The County-approved project is located on the upper banks of Santa Rosa Creek. This area is within or in some case, in close proximity to the mapped 100-year floodplain. In terms of coastal hazards, the County-approved project would locate pedestrian/bicycle paths on the upper banks of a coastal stream subject to flooding, as well as construct a bridge spanning the creek. The project has been designed and conditioned to ensure structural stability while not contributing to erosion or geologic instability (i.e., by replanting disturbed areas (for continued filtering), using pervious decomposed granite for the pathway that allows some percolation, and setting the project away from the top of the creek bank. Also, the County required the Applicant to prepare a geotechnical soils report and include the report recommendations into the bridge abutment construction plans (See Exhibit 3 -County Condition #6). Finally, exposed soils within the Highway One right-of-way shall be performed in accordance Caltrans standards (See Exhibit 3 - County Condition #13).

See County-approved plans in exhibit B.

3. Consistency with Applicable LCP Policies

LCP Policy 1 requires that all new development shall be sited and designed to minimize risks to human life and property. The issue most applicable here is the design and location of the bridge crossing. According to the project plans the prefabricated bridge and the supporting abutments are located outside of the floodway limits as shown on FEMA maps. In addition the height of the bridge span appears to be at a greater elevation the base flood elevation with full encroachment (see Exhibit B for bridge profile and flood datum).

LCP Policy 2 requires that new development shall ensure structural stability while not creating or



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contributing to erosion or geologic instability. LCP Policy 3 requires detailed review of projects proposed within the geologic study area and flood hazard combining designation, which this is. The tops of the creek banks at this location are about 20 feet above the creek bed and the approximate location of the ordinary high water mark is 2-4 feet above the thalweg³ of the stream. Consistent with LCP Policies 2 and 3, the project will minimize threats to life or property, and has been sited and designed to ensure structural stability while not contributing to creek bank erosion. The trail segment has been setback adequately from the top of the stream bank, has been conditioned to avoid construction during the rainy season, and includes sedimentation and erosion control measures to maintain bank stability.

4. Hazards Conclusion

The LCP requires new development to minimize risks to human life and property and not contribute to erosion or geologic instability. The County-approved project has been thoroughly reviewed by the Public Works Department and has been located far enough away from the top of the creek bank to ensure creek bank stability and away from flood prone areas. In addition, the County-approved project contains conditions requiring a drainage plan consistent with the LCP to ensure that the new development will not exacerbate erosion or geologic instability. Thus, the appeal contentions related to hazards do not raise a substantial issue.

D. Visual and Scenic Resources

1. Applicable Policies

The Appellants contend that the project is inconsistent with Visual and Scenic Resource Policy 1 as follows:

Policy 1 – Protection of Visual and Scenic Resources: *Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

Policy 7 – Preservation of Trees and native Vegetation: *The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.05.064 OF THE CZLUO.]*

In addition the Appellants contend that the project is inconsistent with the character of Cambria's Special Community. The LCP recognizes Cambria's East Village as a Special Community. The LCP states:

³ The thalweg is defined as a line on a topographical surface having everywhere the direction of greatest slope, and distinguished by having the lines of straight horizontal projection which cut all contours at right angles.



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Policy 6 – Special Communities and Small-Scale Neighborhoods: *Within urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to compliment and be visually compatible with existing characteristics of the community which may include concerns for the scale of new structures, compatibility with unique or distinguished architectural historical style, or natural features that add to the overall attractiveness of the community. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PUSUANT TO CHAPTER 23.11 (DEFINITIONS) OF THE CZLUO.]*

CZLUO Section 23.11.030 – Special Communities. *Areas and communities with unique, visually pleasing characteristics which serve as visitor destination points and include:*

b. Cambria - Commercial and Recreation categories along Main Street.

2. County-Approved Project

The proposed cross-town trail extends from Shamel Park on the West side of Cambria along Main Street to Burton Drive on the East side of Cambria. The County approved a pedestrian/bicycle bridge across Santa Rosa Creek bringing the trail from Main Street to East-West Ranch. As a result the bridge will connect the commercial retain section of Cambria's East Village (a LCP designated Special Community) to the ranch and require limited removal of native vegetation.

See County-approved plans in exhibit B.

3. Consistency with Applicable LCP and Coastal Act Policies

The LCP indicates that the commercial and recreation areas along Main Street are "Special Communities." In addition, the LCP requires that "unusual landforms, scenic vistas and sensitive habitats are to be preserved protected" (see applicable policies above). The Appellants claim that this is not the case because: (1) the willows that would be removed along Santa Rosa Creek would appreciably alter the overall aesthetic for travelers along Highway One; (2) users of the bridge will be a source of noise to nearby residences and business; and (3) motorists wanting to cross the bridge will park in front of the businesses next to the bridge approach, further increasing parking problems on Cambria's East side.

The Commission finds that the removal of a small amount of willow vegetation from this site will not appreciably alter the overall character of the riparian corridor of Santa Rosa Creek. The willows to be removed are a small part of the overall riparian corridor. Views of the overall riparian corridor from highway areas should be largely the same as current. As such, the effect of the vegetation removal on the surrounding area's character would be minimal.

As to additional disturbances in the area, the Commission finds that the impact to the commercial area along Main Street would be insignificant. Development within this section of town is somewhat dense, and has been increasing in size. Pedestrian traffic, bicycling, and the general "hustle and bustle" of town activity are not atypical in this area. The structures proposed (bridge and pathways), while fairly plain in terms of architectural detail, are not wildly out of character with the surrounding the site (although a bridge does not currently exist here). So while the area will change slightly, the overall character of the



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area will not be substantially altered by the proposed project.

4. Visual and Scenic Resource Conclusion

The LCP protects the unique Main Street area of Cambria and requires development to be compatible with it. The County-approved project represents a public oriented development that is generally in character with development in this commercial area of town. Coastal views will not be blocked and the removal of attractive riparian vegetation along the banks of Santa Rosa Creek will be negligible. Therefore the appeal contentions related to visual and scenic resources do not raise a substantial issue.

E. Substantial Issue Conclusion

The LCP protects the habitat value of Santa Rosa Creek and the riparian corridor located there, coastal watersheds and water quality, development in hazard areas, and the community character of Main Street Cambria, its associated viewshed. The County-approved project will have a negligible impact on these public resources. In some respect the County-approved project will enhance other resources (e.g., public access and recreation opportunities.). Although the Appellant raises a series of valid coastal issues, the County-approved project has been designed in a manner that is sensitive to its important location and to the LCP issues required here. Accordingly, and as detailed in the above findings, the issues raised by the Appellant do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP policies cited in this staff report and the Commission declines to take jurisdiction over the coastal development permit for the project.

